

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC. CONSUMER  
PRIVACY USER PROFILE LITIGATION

Case No. [18-md-02843-VC](#) (JSC)

**ORDER RE: DEPOSITION  
SCHEDULING**

The parties' Joint Status Update (Dkt. No. 797) identified concerns with deposition scheduling. To facilitate the scheduling of depositions, the Court supplements the Deposition Protocol (Dkt. No. 755) with the deadlines set forth below.

**1. Party Witnesses**

Once a party requests a deposition of a party witness and provides proposed dates in accordance with the Deposition Protocol (Dkt. No. 755), the responding party must provide the requesting party with available deposition dates within seven days of the request (excluding federal holidays). If the responding party does not provide dates in accordance with the Order, the requesting party may unilaterally set the deposition date on one of the two dates initially proposed.

**2. Non-Party Witnesses**

One a party requests a deposition of a non-party witness that may be represented by the opposing party (such as a former employee or a family member), the opposing party must provide the requesting party with available deposition dates within 14 days of the request (excluding federal holidays). If the opposing party is unable to provide dates within that time frame, the requesting party may proceed as if the opposing party is not representing the non-party witness.

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**3. 30(b)(6) Witnesses**

Once a party requests a 30(b)(6) deposition of a party witness along with proposed topics, and provides proposed dates in accordance with the Deposition Protocol (Dkt. No. 755), the responding party must provide the requesting party with available deposition dates within 14 days of the request (excluding federal holidays). If the responding party does not provide dates in accordance with the Order, the requesting party may unilaterally set the deposition date on one of the two dates initially proposed.

**4. Objections to Depositions**

The responding party may not delay providing available dates because it objects to the deposition; instead, it must still provide dates and then separately pursue whatever relief it seeks as to the deposition.

**5. Modification**

The parties may agree in writing among themselves to modify these time frames as to any particular witness without Court approval.

**6. Deposition Scheduling Protocol**

Nothing in this Order is intended to modify the Deposition Scheduling Protocol. (Dkt. No. 755.) For example, pursuant to the Protocol, on December 13, 2021 the parties were required to exchange lists of anticipated witnesses with proposed dates. (Dkt. No. 755 at 4.) The Protocol gives the parties a deadline to finalize the deposition dates, but not a deadline to respond to proposed dates. This Order supplements the Protocol by giving the parties a deadline to respond to proposed dates.

**IT IS SO ORDERED.**

Dated: January 12, 2022

  
JACQUELINE SCOTT CORLEY  
United States Magistrate Judge